

Town of Milo, New York

Department of Buildings
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GUIDE FOR APPLICANTS APPLYING FOR A SUBDIVISION OF LAND

This publication has been written to aid potential applicants in understanding and appreciating the subdivision of land process, and to provide an explanation of the rules and standards under which subdivision of land decisions of this Town's Planning Board (PB) must be made.

What is a subdivision of land?

A subdivision of land is the division of any parcel of land into two or more lots, plats, sites, or other division of land, for the purpose, whether immediate or future, of transfer of ownership or building development, and shall include resubdivision; provided, however, that the following shall not be included within this definition nor subject to this chapter: The public acquisition by purchase of strips of land for the widening or opening of streets, and the transfer of agricultural parcels of at least 20 acres for the purpose of continuing agricultural production, providing that the resultant parcels comply with all minimum dimensional requirements of the Town of Milo Zoning Ordinance. Lastly, a subdivision of land is classified into three categories:

1. Major subdivision – Any subdivision of a single parcel of land creating four lots or more, or does not fit the definition of a minor subdivision or resubdivision.
2. Minor subdivision – Any subdivision of a single parcel of land that will create less than four lots (over a ten-year period from the date of filing of a final subdivision plat at the office of the Yates County Clerk, regardless of ownership) fronting on an existing street, not involving any new street or road nor the extension of municipal facilities and, in the opinion of the Planning Board, not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, or the Code of the Town of Milo.
3. Resubdivision - Revision of all or part of an existing plat previously filed with the Clerk of Yates County including consolidation of lots (i.e., the realignment of property lines within an existing parcel). It follows the same process as a “minor subdivision.”

What is the size permitted for a subdivision plat?

The Town needs ten copies, which one shall be a Mylar and two shall be original copies, that:

1. Have a minimum size of 8 ½” x 14”;
2. Have a maximum size of 34” x 44”;
3. Contain no color;
4. Contain the name of the subdivision and the original signature and seal of the surveyor shall appear on all maps; and
5. The Town's Planning Board endorsement must appear on all maps.

What is a Certificate of Real Property Tax Status?

A Certificate of Real Property Tax Status is a tax certificate showing the current status of taxes. If delinquent, the certificate reflects penalties and interest that are due according to tax records. You need to obtain such certificate from the Town Clerk and the County Clerk. Please understand that a subdivision application shall be denied if such certificate reflects that any taxes, special assessment, penalties and/or interest is due according to tax records.

What is the subdivision review process?

The list provided below is a brief summary of the “steps” required by the Planning Board to approve a subdivision application. A minor subdivision and resubdivision application can skip items #9 through #15 only if approved by the Planning Board. Lastly, the timeframe to complete this process varies but the minimum is two regularly scheduled meetings of the Planning Board.

Subdivision Review Process:

1. Preliminary meeting. (Optional but highly recommended.)
2. Determine type of SEQOR action.
3. County referral, if required.
4. Submission of Preliminary Plat.
5. Agricultural Data Statement, if required.
6. Public Hearing for Preliminary Plat.
7. Preliminary acceptance of Preliminary Plat.
8. SEQOR determination of Preliminary Plat.
9. Action on Preliminary Plat.
10. Certifications, notifications and filings of Preliminary Plat.
11. Submission of Final Plat.
12. County referral, if required.
13. Determination for need of second Public Hearing.
14. Public Hearing if determined necessary by Planning Board.
15. SEQOR determination of Final Plat.
16. Action on Final Plat.
17. Certifications, notifications and filings of Final Plat.

Can the Town waive the requirements or improvements described in the Code of the Town of Milo?

The Planning Board is authorized to waive, when reasonable, any requirement or improvement for the approval, approval with modifications, or disapproval of subdivisions submitted for review in accordance to Town Law § 277(7). The Planning Board may exercise this waiver authority only when the requirements in question are found not to be a requisite in the interest of the public health, safety and general welfare [or to be found to be] inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the subdivision. Even then, any waiver is subject to appropriate conditions imposed by the Planning Board in its reasonable discretion.

What is filing of Final Plat?

Within sixty two (62) days from the date of the final approval, the Applicant must file the approved final plat in the Office of the County Clerk. Otherwise, final plat approval automatically expires. For the purpose of this requirement, the following constitute final approval:

1. the signature of the duly authorized officer of the Planning Board on the final plat;
2. Planning Board approval of the development of a plat or plats already filed in the Office of the County Clerk;
or
3. Certificate of the Town Clerk documenting any default approval.

If the Applicant fails to submit such plat within the above-mentioned timeframe, he/she will need to resubmit a subdivision application and obtain approval from the Planning Board. For these reasons, please contact the Office of the County Clerk at (315) 536-5120 to understand the filing process of the final plat.

Application Checklist: Please make ten (10) collated copies of each document, except for the application fee, and submit the application package to the Town’s Code Enforcement Officer.

- Application form Environmental Assessment Form Construction detail sheets
- Application fee Subdivision Plat Certificate of Real Property Tax Status
- Agricultural Data Statement

SUBDIVISION OF LAND – APPLICATION FORM

TOWN OF MILO, NEW YORK

Contact Information:

Owner(s) Name:

Owner(s) Address:

Owner(s) Telephone No.:

Land Surveyor's Name:

Land Surveyor's Address:

Land Surveyor's Telephone No.:

Real Property Information:

Address of Property :

Tax Parcel ID Number(s):

Brief Summary of Subdivision Request:

Subdivision category:

Major Subdivision Minor Subdivision Resubdivision

Type of Plat:

Preliminary Final

Proposed number of lots:

Occupancy Classification:

Existing occupancy classification of parcel:

Proposed occupancy classification of new parcel(s):

Infrastructure:

- Type of road access: Private Town County State
- Type of water system: Private (well) Public
- Type of wastewater system: Private (septic) Public

Miscellaneous Information:

- Has the existing parcel been subdivided in the last ten years? Yes No
- Is the area of proposed construction located on a steep slope? Yes No
- Does the property abut Keuka or Seneca Lakes? Yes No
- Does the property abut Keuka Lake Outlet or Plum Point Creek? Yes No
- Is the property located in a NYS certified agricultural district? Yes No
- Are any state and/or federal approvals required for this project? Yes No
- Does this subdivision conform to the Town’s Schedule of Bulk and Coverage Controls?
 Yes No

Note: Please submit the required area variance application to the Town of Milo as part of this application if you answered “No” to this question. The Town’s Zoning Board of Appeals is required by state law to make a final determination pertaining to this variance prior to the Town’s Planning Board making its final determination for the proposed subdivision.

Are there any deed restrictions, covenants, etc.?

- Yes No

Note: If “Yes,” please submit a copy of all deed restrictions, covenants, etc. for this Board’s review and be prepared to explain them during the application review process.

Are new roadways being proposed as part of this subdivision?

- Yes No

Note: Please submit your roadway’s design and specifications as part of this application if you answered “Yes” to this question. Such design and specifications shall be prepared, signed and sealed by a Professional Engineer, who shall be licensed in the State of New York, and such documents shall conform to the regulations as prescribed within the Code of the Town of Milo.

CODE OF THE TOWN OF MILO – CHAPTER 120 / SUBDIVISION OF LAND

The property owner and/or licensed land survey is hereby advised to review the requirements for the subdivision of land as prescribed within Chapter 120 of the Code of the Town of Milo. Such chapter is available for review at the Town’s website, which is located at <http://www.townofmilo.com> under the Code Officer’s section.

AGREEMENT TO PAY FEES FOR CONSULTANT SERVICES INCURRED BY THE TOWN

When reviewing an application for, or when conducting inspections in relation to, an application, the Town of Milo, New York may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the application. Whenever possible, the Town of Milo, New York shall work cooperatively with the applicant to identify what scope of work shall require the employment of consultants. Additionally, the Town may require that an applicant deposit a lump sum in order to retain consultants. In the event that such sum is insufficient to fund the necessary consulting services, the Town of Milo, New York may require additional deposits.

Let it be understood and the property owner agrees that:

1. In hiring outside consultants, the Town of Milo, New York may engage registered design professionals, financial analysts, planners, lawyers or other appropriate professionals who can assist the Town in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Town's decision or regulations, or inspecting a project during construction or implementation.
2. Funds received by the Town of Milo, New York pursuant to this section shall be deposited with the Town Clerk who shall establish a line item for this purpose. Expenditures from this line item may be made at the direction of the Town Clerk without further appropriation. Expenditures from this line item shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the property owner. Additionally, the failure of a property owner to pay any fee shall be grounds for denial of an application. Lastly, any outstanding fees incurred by the Town of Milo, New York shall be charged against the property, and shall constitute a lien thereon in favor of the municipality, and the amount of such costs shall be entered on the tax rolls as being due and payable. Such fees may also be recovered in any other lawful manner.
3. At the completion of the Town's review of a project, any excess amount in the line item attributable to a specific project shall be repaid to the property owner. A final report of said line item shall be made available to the property owner if requested.
4. Any property owner may take an administrative appeal from the selection of the outside consultant to the Town Board. Such appeal must be made in writing and may be taken only within twenty (20) days after the Town has mailed or hand-delivered notice to the property owner of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The required time limit for action upon an application by the Town Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Board within one month following the filing of the appeal, the selection made by the Town of Milo, New York shall stand.

DISCLOSURE AFFIDAVIT (GML SECTION 809)

The Applicant has read and is familiar with the provisions of the General Municipal Law, Section 809, which states:

- A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of plat, exemption of plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality or a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this section of State law, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
 - 1. is the applicant;
 - 2. is an officer, director, partner or employee of the applicant;
 - 3. legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; or
 - 4. is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five per cent of the Stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

If a Town of Milo officer, employee or relative of either as defined in the General Municipal Law, Section 809 has any interest in this application, the full particulars are provided on an attached sheet.

OWNER'S AGREEMENT TO CONTENTS OF APPLICATION

It is hereby understood that the contents of this entire application is hereby subscribed by the property owner, all matters understood and agreed to, and is hereby affirmed by the owner as true under the penalties for perjury.

Property Owner's signature

Date:

Property Owner's name:

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: _____	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: _____	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER
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Reset

TOWN OF MILO, NEW YORK

Agricultural Data Statement

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: _____ Address: _____ _____	Name: _____ Address: _____ _____

1. Type of Application: Special Use Permit; Site Plan Approval ; Use Variance;
(circle one or more) Subdivision Approval

2. Description of proposed project: _____

3. Location of project: Address: _____
 Tax Map Number (TMP) _____

4. Is this parcel within an Agricultural District? NO YES (Check with your local assessor if
 5. If YES, Agricultural District Number _____ you do not know)
 6. Is this parcel actively farmed? NO YES
 7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: _____ Address: _____ _____	Name: _____ Address: _____ _____
Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ _____	Name: _____ Address: _____ _____
Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by:

Signature of Municipal Official

Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

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AUTHORIZED REPRESENTATIVE FORM

WHEN TO USE THIS FORM: *This Authorized Representative form is enclosed if the owner wants to authorize someone to represent him/her/they at the public meeting and hearing. Please complete this form and submit it to this Town's Code Enforcement Officer. Lastly, the owner is responsible to notify his/her/their representative of the time and place of the public meeting and hearing.*

Owner's Name:
Owner's Address:
Owner's Telephone No.:
Representative's Name:
Representative's Address:
Representative's Telephone No.:

The Owner hereby permits the Authorized Representative to act on his/her/their behalf regarding an application submitted to the Town of Milo, New York. Such Owner also authorizes this Town to release any or all information relating to this application to this Authorized Representative.

Owner's Signature:
Date of Signature:

STATE OF NEW YORK)
 SS.:
COUNTY OF)

On this _____ day of _____, 20____, before me personally came _____, to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same.

Notary Public